

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SUNTRUST BANK,)
)
Plaintiff,)
)
 v.) NO. 3:12-0001
)
CRAIG B. JONES, et al.,) Judge Sharp/Bryant
)
Defendants.)

TO: The Honorable Kevin H. Sharp

REPORT AND RECOMMENDATION

On January 3, 2012, plaintiff Suntrust Bank filed this action against defendants Craig Jones Corporation and Craig B. Jones alleging that defendants have defaulted by failing to make required payments pursuant to certain notes and a related guaranty.

The record fails to show that plaintiff has obtained service of process on the defendants.

On August 6, 2012, the undersigned Magistrate Judge entered an order to show cause requiring plaintiff Suntrust to show cause on or before August 24, 2012, why the complaint should not be dismissed without prejudice for failure to obtain service of process on the defendants, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (Docket Entry No. 16).

Plaintiff has filed no response to this order to show cause, nor has plaintiff offered any evidence that it has obtained service of process on either of the defendants. For the foregoing reasons, the undersigned Magistrate Judge finds that the complaint

should be DISMISSED with prejudice for failure to obtain service of process on the defendants, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge RECOMMENDS that the complaint be DISMISSED without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation.

Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111 (1986).

ENTERED this 26th day of November 2012.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge